

## **BOARD OF MAYOR AND ALDERMEN**

**December 21, 2004**

**7:30 PM**

Mayor Baines called the meeting to order.

The Clerk called the roll. There were fourteen Aldermen present.

Present: Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O'Neil,  
Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest

Mayor Baines requested Mrs. Georgie Reagan come forward. For people watching at home this is the one and only Georgie Reagan, a constituent of Alderman Gatsas. There are a couple of things I want to do tonight. Georgie has served on the Arts Commission since it was reinstituted by the Board of Mayor and Aldermen and Mayor Wieczorek in 1999. Interestingly enough the Mayor at that time was making his appointments in December after I was elected and I was thinking shouldn't I have the chance to make those appointments, but as he was making them he appointed all of the same people I would have nominated. So, it made it kind of nice for me and George has become a very good friend of mine and her husband Charlie and she's just done such magnificent work on behalf of the arts community, I think every Aldermen has had to deal with George from time-to-time and she can be very demanding when she wants something done and it's always in the best interest of the community that she loves and the arts community in particular and when we decided to buy the Rines Center and made a pledge to the McIninch family to keep the Art Gallery Georgie immediately went to work to ensure that that Art Gallery was going to be part of the cultural center of our community and as many of you at the dedication saw the magnificent work she's done with local artists to

make that a destination point in Manchester and she's term limited and that's one of the things that sometimes we think term limits are good but I think there's something not so good about them sometimes and maybe we should revisit that in the future. But, I'd like to issue this Proclamation:

### **PROCLAMATION**

**Whereas,** Georgie Reagan's service both in its quantity and its quality to the arts community in Manchester and example of the considerable impact that one person can have in her community; and

**Whereas,** Georgie's vision for Manchester coupled with her energy and enthusiasm has provided the community with such endeavors as the Manchester Welcome Center, Art in the Wall at City Hall, and the reopening of The McNinch Family Art Gallery; and

**Whereas,** her most significant accomplishments, however, are a partnership with her husband Charlie and the creation of a loving home for their children and grandchildren; and

**Whereas,** it is on this special occasion that your fellow citizens, family and friend's salute you for contributions you've made to the City of Manchester and for those still to come;

**NOW, THEREFORE, I, Robert A. Baines,** by virtue of the authority vested in me as Mayor of the City of Manchester, in the State of New Hampshire, do hereby proclaim

**December 21, 2004  
to be  
Georgina M. Reagan Day**

in the City of Manchester.

Mayor Baines stated we all know that Georgie wouldn't be anything without Charlie, so I want Charlie to come up now. Charlie's job is to wait for Georgie.

I also present the Key to the City and you've heard me say it many times the Key to the City represents the doors of opportunity that have been opened by people who have served our City and, Georgie, in this case the doors of opportunity for Manchester local artists have really been opened as you've helped them create venues so they can display their art here at City Hall and at The McIninch Art Gallery, so for generations to come people will know it was because of your efforts that doors of opportunities were opened and it's in recognition of this outstanding service to the community that I present you with this Key to the City. Congratulations. And, you have something else. Now, this is kind of neat, I thought it would be a shame if we were to lose her talents so I am announcing tonight that effective this evening she is now going to become part of the unpaid staff, I am naming her Special Assistant for the Arts in the Office of the Mayor, henceforth you shall be the Mayor's official designee for all arts organizations and all

gatherings that represent the arts here in the community in the City of Manchester and you're getting your very own business cards...Georgina M. Reagan, Assistant for the Arts, Office of the Mayor, City of Manchester. Congratulations.

Ms. Reagan stated I am overwhelmed and I accept this wonderful honor and the Key to the City which he's told me doesn't open a thing, but I do accept it on behalf of all of the Art Commissioners, we are a wonderful team, they are a joy to work with and I thank them...there are two of them here this evening Richard Maynard and Al St. Cyr and the three who started out together were Grace Frejie, Althea Haropoulos and I and the three of us managed to do quite a bit together, but five of us did it even better, so I thank them for making this possible. I thank them for allowing me to accept this kind of an honor and I especially thank the Mayor and the Board of Aldermen who have encouraged us and supported us and without your vote all the time we wouldn't have accomplished very much at all. So, we're happy that we have an astute group and people of vision who do make it easy for us to accomplish the things we want to accomplish and we are particularly proud that we were able to do what we've done with The McIninch Family Art Gallery that was so awesome, we didn't think we would ever be able to do that. So, we appreciate them being there, we know they love being there but we particularly love having them there besides being a permanent tenant they make a monthly contribution to the Manchester Art Fund and that's our biggest focus is to bring public art to Manchester and they will be helping us all make that happen. So, I thank you, Mayor Baines, I thank you Aldermen, I thank my colleagues on the Art Commission and they are not just my colleagues we are all best friends and it's been a pleasure for me to work with them. It's been a pleasure for me to work with the City Clerk's Office where I also don't have a desk and the Mayor's Office where Tina is gracious but I also don't have a desk.

Mayor Baines interjected say something nice about Charlie.

Ms. Reagan stated well, he's holding all of the gifts so I thought you just lent him to me for a minute and then passed them on to the real owner the man behind...who allows me to do all of this and he really does have to allow me and cooperate and enjoy it with me or it would never happen either. So, he is the man who allows me to do this every day and I thank him for that everyday. I do work hard but I have to tell you that it is my great pleasure to do that because it's what I love the best. So, thank you all again, I can't tell you how happy I am.

Mr. Michael Donovan of the Manchester Artists Association presented Ms. Reagan with a bouquet of flowers.

Mayor Baines requested representatives of the Manchester Convention and Visitor's Bureau come forward.

Mr. Dick Charpentier stated I'm a resident of Ward 3, 99 Kidder Street and I'm also Vice-Chairman of the Manchester Development Corporation but tonight I am here in my capacity as Chairman of the Manchester Area Convention and Visitor's Bureau (CVB). I have with me Marsha Snively our Executive Director and she will make a brief presentation on our activities presently and in the future.

Ms. Snively stated I thank you for allowing me to put this presentation on for you. I just wanted to update you on some of the things that the CVB has done this fiscal year. I mostly recently gave you a packet of information that has some editorials and advertising that has been a direct result from some of the travel writers and tour operators that have come into the City. I specifically wanted to point out an editorial that is a feature done by *Maine Tour Magazine*. This services New England and eastern Canada and as you can see on the front it actually has "Destination Manchester, New Hampshire." Now, seeing that people from other places and specifically in other states has mentioned us as a destination. It occurred to me that we needed to educate some of the people in our own

state and our own community on the attractions, entertainment, arts and culture that we have in Manchester. Thus, the CVB conducted its first familiarization tour. The purpose of the tour was to showcase Manchester as a visitor or tourist, a friendly destination to people directly involved with visitor's from other regions of the state. The tour consisted of 26 stops in two days at local attractions to promote arts, culture, restaurants, entertainment and sports. It included such places as The Palace Theatre, City Hall, the America's Credit Union, the Currier Museum, behind the scenes at the Verizon Wireless Arena, Van Otis, Piccola's Restaurant and many other attractions. It was quite an intensive tour...as you can see 26 stops in two days was pretty intense but it was a pretty good overview of the City. The Mayor welcomed the group at the Millyard Museum, Alderman Porter and Alderman Lopez attended parts of the tour and the attendees actually came from all over the state, from the White Mountains to Keene to Portsmouth. These people deal collaboratively with hundred of thousands of visitors throughout the year. The White Mountains Attraction Visitor's Association, the Portsmouth Visitor's Center...all of these can result in free advertising from word of mouth for visitors travelling throughout the state. Another initiative that happened is the Art Build Community merged into the CVB. Art Builds Community, a cultural organization, has been in existence for quite a few years and recently merged with the CVB to continue advocacy for arts, culture and an economic facet and a better of quality of life for the community. Manchester Arts.org is a comprehensive calendar of events that promotes arts and entertainment venues in Manchester. Both the Manchester Arts.org and the Manchester CVB websites are currently being upgraded for easier navigation and to provider additional information for residents and visitors. Another initiative that the CVB is working with is the Manchester area colleges. The CVB has collaborated on initiatives to promote Manchester as a college friendly city and to promote more visits from family and friends of the 16,000 students in the area. Initially it started that we were going to welcome the students downtown that moved into the Y housing project so I thought if we welcomed them why don't we welcome SNHU or St. A's and one thing led to another and we found that we didn't have a comprehensive welcome packet for these

students and not only do they come here and live here and we don't give them a welcome packet or coupons and let them know where the area businesses are...their parents and friends come back to visit them so we need to better promote the area through these students and as such the CVB in conjunction with Southern NH University is going to create a coupon booklet for the students to welcome them. These coupon booklets will be to promote area businesses, provide information about the area, maps and it will also be sent to visitor's that request information from the CVB, Chamber or Intown. The other thing that the Convention and Visitor's Bureau does is attend trade shows and meetings and events to promote Manchester. The attendance at these trade shows brings in leads to actively follow-up to bring in-groups into the area. The attendance at some of these shows also gives exposure to business travelers, travel writers and leisure travelers. One of the things that will be coming up as far as another editorial on Manchester is the attendance at the AAU (Amateur Athletic Union) Trade Show...Manchester will be in the *Sports Travel* magazine edition in January. The CVB also partners with other organizations to bring in meetings and tour business into New Hampshire. A few examples are a group that just came in...the Association for Non-traditional Students in Higher Education. These groups represents about twenty-five to thirty thousand dollars of revenues spent at hotels (food and beverage) and the colleges. It was in conjunction with Southern NH University and the CVB that promoted Manchester to select Manchester over Charleston, South Carolina. The CVB worked with the Highland Games and through promoting their last September event we have the possibility of doing a strong man competition right downtown on Elm Street or Hanover Street in June 2005. Another cooperation with the State Department of Travel & Tourism is a fan trip that was conducted last June that directly related to a tour booking for next year and represents approximately \$15,000 worth of business. On a larger sense in conjunction with the Center of NH two weeks ago I did a site visit with an organization (Roux Sociological Society)...they're planning a huge event for July 2008. This is approximately 350-400 people for a week. The total revenue that the group would produce is about \$250,000 which is approximately \$6,800 in Rooms and Meals Tax. The competition for that is

Portland, Maine and Danvers, Massachusetts. Another group that we're working with...I think you might have remembered that the New England Cheerleading group was here in November 2003...this group is growing and I'm working with the local committee to see if we can put in a bid for 2006. The estimated economic impact is \$1.5 million for that group which represents approximately \$112,000 in Rooms and Meals Tax. The competition for that is Providence, Rhode Island, Worcester, Massachusetts and Hartford, Connecticut which all have a substantial budget for their convention and visitor's bureaus. These are some of the things that the Convention and Visitor's Bureau has been doing to promote Manchester, to tie in the transportation, lodging, sports and entertainment arts and culture. I'd like to thank you for your commitment and your support and all that you've done for Manchester.

Alderman Thibault stated I would just like the Board to realize that there's another thing that comes out of the MDC Board of which myself and Alderman Sysyn are members of and these people, you've got to remember, are all volunteers. So, I want to thank them very much.

### **CONSENT AGENDA**

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **Approve Under the Supervision of the Department of Highways**

- A. PSNH Pole Petition #11-1041 located on Lilac Court.



## **REPORTS OF COMMITTEES**

### **COMMITTEE ON LANDS AND BUILDINGS**

- F.** Advising that they have approved a request from Leo Bernier to install a replica “old time” clock, formerly housed at the Mall of New Hampshire, on Stark Street in proximity to the City Hall Complex. This clock is representative of those that were once displayed on Elm Street. The Committee notes that any costs associated with this placement will be covered by donations and the use of the City Clerk’s special projects account.

### **COMMITTEE ON TRAFFIC/PUBLIC SAFETY**

- G.** Recommending that regulations governing standing, stopping, parking and operation of vehicles be adopted and put into effect when duly advertised and posted.

**HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O’NEIL, DULY SECONDED BY ALDERMAN PORTER, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.**

- B.** Receipt of \$2,000.00 from Wilkins Mechanical Services towards purchasing equipment and supplies for the Police Department’s Mounted Patrol.

Alderman Roy stated I just wanted to commend the Police Department and the gentlemen working with the Mounted Patrol. It is their goal, by the end of this year that they will entirely self-fund that entire program and this is our second straight Board meeting and agenda where we have accepted funds and moved to accept fund and remand for the purpose intended.

Alderman Roy so moved to accept the funds and remand for the purpose intended.

Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

**Report of the Committee on Human Resources/Insurance:**

- C. Recommending that the draft tuition reimbursement policy and staff development policy (enclosed herein) be approved.

Alderman Porter stated on the draft tuition reimbursement policy and staff development...I watched the meeting and I might have missed something but I'd like to ask Ginny Lamberton the Human Resources Director...I know there was a lengthy discussion on the staff development but I don't recall much of a discussion on the draft tuition reimbursement policy. Were both discussed and both approved, they are separate issues, but were both actually approved at that meeting.

Clerk Thibault stated that the Clerk's Office reviewed the minutes today and it isn't clear as to whether the committee voted to approve those two policies, so we're recommending that the item be referred back to the Committee on Human Resources for clarification.

Alderman Forest moved to refer back to the Committee. Alderman Garrity duly seconded the motion.

Alderman Porter asked could I amend the motion that we approve the staff development policy but only refer back to committee the tuition reimbursement policy, would that be acceptable.

Mayor Baines asked that those Aldermen who moved on the referral amend their motions.

Alderman Forest moved to amend the motion to approve the staff development policy and to refer back to committee the tuition reimbursement policy. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

**Report of the Committee on Human Resources/Insurance:**

**D. Advising that it has approved Ordinance:**

“Amending Sections 33.024 & 33.025 (Deputy Welfare Commissioner to Welfare Specialist II) of the Code of Ordinances of the City of Manchester.”

providing for a reclassification of the Deputy Welfare Commissioner, salary grade 22, to a Welfare Specialist II, salary grade 18, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.

Alderman Lopez stated I would like to compliment the Welfare Commissioner in the reclassification of the Deputy Welfare Commissioner, salary grade 22, to a Welfare Specialist II, salary grade 18.

Alderman Lopez moved to suspend the rules and place this Ordinance on its final reading by title only at this time, without referral to the Committees on Bills on Second Reading or Accounts, Enrollment and Revenue Administration. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

“Amending Sections 33.024 & 33.025 (Deputy Welfare Commissioner to Welfare Specialist II) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman DeVries, duly seconded by Alderman Forest, it was voted that the Ordinance be read by title only, and it was so done.

This Ordinance having had its final presentation, Alderman Roy moved that the Ordinance pass and be ordained. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

**Report of the Committee on Lands and Buildings:**

- E.** Recommending that in accordance with RSA 80:80 the Mayor be authorized To dispose of certain property situated at Francis Street, known as Map 0861, Lot 0025-N by executing deeds relating all rights, title interest, or claims in said property. Said property formerly owned by Francisco F. Jardine was acquired by the City of Manchester by virtue of Tax Collector's deed dated September 2, 1943 and recorded in Hillsborough County Registry of Deeds on September 9, 1943, Volume 1051, Page 0369.

The Committee recommends that said property be disposed of through public auction with a minimum bid to be set at \$14,000.

The Committee advises that it has found such property to be surplus to City needs; and that the Board of Assessors has provided an opinion of value in the range of \$20,000-\$40,000.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deeded accounts as deemed necessary.

Alderman Shea stated paragraph two states "The Committee recommends that said property be disposed of through public auction with a minimum bid to be set at \$14,000. The Committee advises that it has found such property to be surplus to City needs; and that the Board of Assessors has provided an opinion of value in the range of \$20,000-\$40,000." Could somebody claim the difference. Is the City going to accept \$14,000 or are the Assessor's saying we shouldn't accept anything between \$20,000 and \$40,000 or am I misreading this. I'm not sure exactly, it's kind of confusing.

Mr. Steve Tellier, Chairman of the Board of Assessors, stated when the initial bid of \$20,000 to \$40,000 was set for minimum auction that was predisposing that it had a better than average possibility as a building lot and it would accelerate from there. However, upon further review that site clearly is on an unaccepted way and there is a great deal of apprehension as to whether that site coupled with another site would allow

itself to be developed into a building site. There are a lot of “ifs” here. Right now, clearly as it stands...a stand-alone site...it is not buildable in its present state and would require Zoning Board approval and that doesn’t mean there couldn’t be some litigation. There are a great many questions. The site itself has been determined to be surplus to the City’s needs. I believe if I read this correctly it’s only being allowed to go to auction in its present state. There are a lot of “ifs” with this. There is an individual who is looking to try to buy this but he is also looking to have the ZBA allow it for approval, but that’s an uncertainty at best and I can’t comment on it obviously on whether they’d allow that or not.

Alderman Shea stated if this particular individual says I’ll buy this for \$14,000 the City will sell that person that particular property or what?

Mr. Tellier replied that is correct. If it goes to minimum bid at \$14,000 the individual who professes an interest to try and build on that property would likely try to but it at auction but also it’s my understanding that the abutters are interested as well. From my observation a couple of the abutters are here in the audience as well. I’ve spoken with them in the past...they have concerns, they don’t want it built and they have professed an interest in purchasing that lot as well and that would get it off the City’s tax roll no matter what.

Alderman Shea stated my concern is why would you insert \$20,000 to \$40,000?

Mr. Tellier replied initially...this is a very old letter...we could certainly add an updated or revised value to coincide with that \$14,000. It’s not on an approved street, it can’t be improved in its present state.

Alderman Shea stated when something is submitted to the Board shouldn’t it be conclusive in terms of what it really means.

Mr. Tellier stated if there's some confusion we'll make sure that that doesn't happen again.

Alderman Shea stated just for the casual reader, it's a little bit disconcerting.

Alderman Thibault stated there's a petition with the Zoning Board of Adjustment for January 6<sup>th</sup>, I believe, and I believe the point will be nil because I don't think it will be a buildable lot.

Alderman Forest stated this is a lot at the end of Francis Street, a downhill slope, a sandbank and everything else. The reason one of the people want to buy it is there are four vacant lots there and you need all four lots in order to build. From what I understand from talking to Max Sink of the Building Department it's not an accepted street therefore they wouldn't issue them a permit anyway. The petition to buy this property has already been to the Zoning Board to ask for a variance and he put in a plot plan for the four lots. I, personally, don't know how he got the authority to do this. The owner of one of the lots is the City and I know we didn't give him permission to build. Mr. Freitas who owns the other three, I don't believe, has given this person permission...it's scheduled for January 6<sup>th</sup>. The Zoning Board was not aware that he did not own the lot when he sent a letter of intent.

Mayor Baines stated let me ask the City Solicitor...wouldn't the owner of the lot have to be the one requesting the zoning?

City Solicitor Clark replied the owner is also allowed to designate an agent to request.

Mayor Baines stated we haven't designated anyone on our behalf.

Alderman Forest stated I don't believe...they were not designated to apply for the owner that I know of.

City Solicitor Clark stated generally they have to be designated.

Mayor Baines stated that is something we should pursue.

Alderman Forest stated I know this came out of Lands and Buildings recommending that it go to auction. I know there is an abutter who sent a letter to the City and I think it's in the packet that's offered \$15,000 on it. There's another letter from the person interested in buying it said that this abutter is not interested and that's also not true that I know of. I think the abutter is still interested. If this goes through what I would like to do is to make a motion...and I know we've done this in the past to send letters to the abutters first to give them the opportunity to purchase the property because there are some legal technicalities on another lot there also. And, if no, we'll send it back to Lands and Buildings.

Mayor Baines asked would you advise us on this, Mr. City Solicitor.

City Solicitor Clark stated with the questions that are involved maybe it would be proper to send it to Lands and Buildings.

Alderman Forest moved to refer back to the Committee on Lands and Building.

Alderman Thibault stated I don't believe it should go back to Lands and Buildings because there's nothing that Lands and Buildings can do until the ZBA acts on it. If the ZBA says that this is not going to be used for a building lot it's going to be a moot point. So, I think we should table it until the ZBA meets.

Mayor Baines stated we could do that too. I want to make sure we're doing the right thing.

Alderman Roy stated this has been in front of Lands and Buildings, I believe, since I became an Alderman and we have determined that it's surplus and I think right now the only question at hand is how to dispose of it into the tax base. So, as far as tabling it I would be against that. Giving it to the Solicitor, giving it to the Assessors, giving it to someone to work with being either abutters or through the auction process are the next steps. But, it is City surplus land and we do need to get this sold and whether it goes to abutters or goes to a third party then it needs to go out of committee.

Alderman Porter stated this Board has already determined the method of disposal. I do think there are a number of questions raised one of which is the ZBA, the other is the \$14,000 minimum bid was based on the value of \$20,000 to \$40,000 potentially in the market place. Having had first-hand experience what we don't want to do is end up with somebody bidding \$5,000 or \$6,000...a month from now it comes back to this Board and we sit on it for several months. I think it would be reasonable to table it to either the committee or table it to this Board and ask the Assessor's to come up, if they have a revised value, something that we can go on. I will say this. The minimum bid really from an auctioneer's point of view and I've had a number of discussions with Jim St. Jean...the key to an auction is to get people to start bidding. If you go to \$14,000 right away and people don't think it's worth that you're not going to get any bids. If you start it at a slightly lower amount and we'll leave that up to the Assessors if they so choose to do then at least you get people in the bidding process and then it's a matter of, I guess, who wants it the most. So, I would also support tabling it...I don't know that it has to go to Lands and Buildings. I think maybe it should stay at the Board level until we get reports back from the Assessors and after the ZBA.



Alderman Thibault moved to table the report of the Committee on Lands and Buildings. Alderman Porter duly seconded the motion. The motion carried with Alderman Roy duly recorded in opposition.

**Report of the Committee on Traffic/Public Safety:**

- H.** Advising that it has adopted the enclosed process regarding the sale of the Center of NH garage.

Alderman Gatsas stated correct me if I'm wrong, City Solicitor, doesn't disposition of property have to go to Lands and Buildings because the last time we voted to move garages, it was through Lands and Buildings? Isn't that what the Charter says?

City Solicitor Clark replied no the Charter doesn't say it. There's an ordinance on disposition of surplus property, which goes to the Lands and Buildings Committee.

Mayor Baines stated this has already been declared surplus property hasn't it, by the Board at one time.

City Solicitor Clark replied I'm not aware of that, your Honor.

Mayor Baines stated it has gone up to sale before.

City Solicitor Clark stated it has gone up for sale before, yes.

Alderman Gatsas stated so what you're saying is that we can arbitrarily just put it in a department or a committee we want to send it to because the last time we disposed of it was through Lands and Buildings.

City Solicitor Clark stated the ordinance requires that Lands and Buildings follow a procedure to determine whether or not it's surplus and recommend back to the Board. If that has already occurred then another committee recommending that they go out to bid is fine.

Alderman Gatsas stated the process of going out to bid should be consistent of what it was last time so this committee is now changed.

City Solicitor Clark stated I'm not sure I understand your question.

Alderman Gatsas stated if you take a look at...I don't think that's the consistency of the committee when you read of who's going to be in charge of the sale, I think it says that there are four people on this committee. Number 2, I guess Item H, if you want to read number 2. The last time I knew that the Destination Coordinator was handling the sale.

City Solicitor Clark stated I don't know what happened last time, I don't have that in front of me.

Alderman Gatsas asked, Mr. Jabjiniak, can you help me with that?

Mr. William Jabjiniak, Destination Manchester Coordinator, replied the last time the garages were out for sale I believe the Economic Development Office was involved in procuring appraisals and so forth.

Alderman Gatsas asked is there a reason why we changed it?

Mr. Jabjiniak replied I'm not aware...I'll defer to the Finance Director.

Mr. Kevin Clougherty, Finance Officer, stated I'm not aware of any reason other than I think Jay Taylor was involved the last time we were looking at this but I am not certain of this, I can research it.

Mayor Baines stated it could be either one. This came from the Traffic Committee, so the Traffic Committee is the one that approved this format. Do I have a motion on this.

Alderman Sysyn moved to accept the report of the Committee on Traffic/Public Safety. Alderman O'Neil duly seconded the motion. The motion carried with Alderman Gatsas duly recorded in opposition.

**6. Mayor Baines presented the following nominations:**

**Arts Commission:**

Peter Ramsey to succeed himself, term to expire December 2007.

Al St. Cyr to succeed himself, term to expire December 2007.

Jessica Kinsey to succeed Georgina Reagan, term to expire December 2007.

**Elderly Services Commission:**

Victoria Chapman to succeed herself, term to expire January 2008.

Alderman Thibault moved to suspend the rules and confirm the nominations as presented.

Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

**7. A report of the Committee on Traffic/Public Safety was presented recommending that the agreement between the City of Manchester and Central Parking for the operation of the Victory Garage be extended through February 15, 2005.**

Alderman Smith moved to accept the report of the Committee on Traffic/Public Safety.  
Alderman Sysyn duly seconded the motion.

Alderman Gatsas stated we now going on, I think, three years with an agreement that's costing the City money. I've yet to realize or understand why we don't put this out to bid so that it's a contract that doesn't cost the City money and we continue to extend it, for what reason I don't know, but I guess now what I'm going to hear is that this garage is turning a profit and I think that I heard at committee level that maybe we should make those employees City employees. I think that maybe what we should do is just go out to bid and maybe have somebody bid it and give us a gross bid so that it doesn't continually cost us money.

Alderman O'Neil stated I don't know what Alderman Gatsas means "costs us money". There are salaries to be paid there, we reimburse the company, we pay all the expenses of the utilities and the repairs, I think the discussion that went on at the Traffic level was since we have sold the Canal Street Garage is that we're talking 5.5 employees for the most part and I think Mr. Lolicata will support this for the most part, it's almost like it's an extension of City government now...the garage to the credit of Mr. Lolicata and the staff there have turned it around and it's a profitable garage. I think unlike the Canal Street Garage or the Granite Street Garage the number of businesses and people who utilize the Victory Garage is greatly different than those that use Canal Street which predominantly primarily served 1000 Elm Street or the Granite Street Garage which primarily serves the Center of NH, the office tower at the corner...I think if you happen to spend a little time down there you'll see people walk down southerly from Chestnut Street to businesses to the Federal building when they were still on Chestnut Street utilize this garage. You see people head south on Elm Street probably as far as Merrimack Street, you see people heading north both on Chestnut and on Elm Streets. So, I think it would be a huge mistake to sell this garage, it's on the plus side, it still has some improvements to be done to it, they've stayed on top of it and again for the 5.5 employees

I don't see why we don't take a look at bringing them under the City under some department and I don't know what that recommendation is now but I don't think we need to spend time selling this garage or trying to go out to bid for this service.

Alderman Lopez stated to add a couple of things I think it would be nice if we hear comments that the employees there had the same benefits and I'd like to have the HR Director check this out, give us what the employees get at that particular garage and what they're not getting as City employees because I understand that they get paid leave and stuff like that, but we don't really know and I've heard that conversation...I'd like to see it personally that we do the comparison before we do it. Something must be done. To keep extending something without really digging into it and extending it to February because nothing was done in the meantime and I don't mean that derogatorily towards anybody but we keep extending but nothing gets done. And so come February we're going to extend it again. So, at some point we're going to have to either go out for an RFP or get some direction as to the direction we want to go in.

Alderman Sysyn stated I have to agree with Dan O'Neil. We should bring it under the City and have those people as City employees. I think that is where we should look.

Mayor Baines stated I think you should get the information, I think that is what Alderman Lopez is suggesting.

Alderman Guinta stated I would have to respectfully disagree with my colleagues. I don't think the City should be in the business of garage management. This came up about a year, a year and a half ago. The concerns at that time were...I don't know that the garage was making money, I think there were issues that were brought to our attention by the Internal Auditor with respect to contract obligations and costs that we, as a City, incurred incorrectly or improperly and at that time we had a discussion about going out to bid and that essentially has been effectively tabled. I think it's time to

reassess it, at least go out to bid and allow Central to participate in that process and if they are a winning bidder then so be it but to simply say that now the City of Manchester should be involved in garage management for the sake of extending benefits to 5.5 employees, I think, is a little narrow minded.

Mayor Baines stated I think it should be studied and I think you need to have the facts before you make a final decision.

Alderman Forest stated for one this Alderman is opposed to extending a contract. I think we voted on this four times in the past three years and I'm opposed to extending, but the reason we talked in Traffic about their 5.5 employees that are there...again, the benefits and the salaries and everything else...I guess Central is charging us to manage the garage and we're paying all of the expenses and I don't feel that we should be extending a contract at this time and the other thing was that Mr. Lolicata told us that the management there was refusing to sign the contracts in September. We found this out at the Traffic meeting and then all of a sudden they want to extend it and again I'm opposed to extending their contract.

Alderman Shea asked, Tom, could you come up a little bit and help the people who cannot be there...I'm not on the Traffic Committee. Could you kind of give us a background as far as what your thoughts might be or whether it's profitable now, it wasn't profitable before, whatever.

Mr. Thomas Lolicata, Director of Traffic, stated I would have to first say that we've started turning a profit within the last couple of years, year and a half. But, getting back to the comment that the Traffic Committee...whatever transpired...we had something going up until January of 2004. We sent it back to them and it was not given to the people in Boston. At that time, a Mr. Waldecker left Central Parking and we figured out that is where it lapsed right there.

Mayor Baines stated so they didn't refuse to sign it is what you're saying.

Mr. Lolicata stated correct. The new gentleman who took over immediately said he would take care of this, he supposed to send it to Boston and if he and they are willing to sign it until February of 2005.

Mayor Baines asked is that your recommendation?

Mr. Lolicata replied that's my recommendation for now.

Alderman Forest asked did you or did you not say at Traffic that they were refusing to sign that contract?

Mr. Lolicata replied that's what I said that was correct. But since then we've found out the story behind it and it was because of a gentleman leaving.

Alderman Shea stated my colleague made a recommendation about having the people who are now working there become either City employees or that benefits from the City be given to them. Do you see that as a difficulty? How does that situation work itself out if at all?

Mr. Lolicata replied of all the garages that we've been dealing with in the past few years and we've had some really rough agreements with some and by rough I mean some pretty difficult ones...I would think seriously about taking over and having these people become City employees. The reason I'm saying that is because this is one garage that should stay where it is, should be run by the City, it's profitable, location, etc. It's really one garage that should be set and taken care of by the City. When they built these garages years ago the Alderman way back came out and said it...you're actually

subsidizing parking for the public. Well, I think now that we have something going here where it's making a profit we should be part of that because you're going to end up paying a management fee, going out for an RFP and getting deeper into paying still more money to another company.

Alderman Shea stated when you say we're making a profit now, a ballpark figure, what kind of a profit are we making. Is it a small profit, a medium...

Mr. Lolicata replied as of 2004 there was over \$700,000 in revenues, I think there was a \$240,000-\$250,000 profit. There's a very low debt service, which I'm not sure of but at least a profit of \$200,000 for 2004.

Alderman Shea asked has parking picked up at that garage, has it stayed the same?

Mr. Lolicata replied parking has never gone under at Victory, it's been very steady. If not, it's the hub of the whole City actually and it's working constantly.

Mayor Baines asked hasn't usage increased though, Tom?

Mr. Lolicata replied yes and as a matter of fact some of our dailies have gone down because the permits are getting so high.

Alderman Shea stated the people that are working there have they been working there for several years?

Mr. Lolicata replied most of the employees there have been there since the beginning...12/15 years a couple of people there.



Alderman Lopez stated may I make a correction. The only information I asked is for comparison by HR for the correct information.

Mayor Baines stated I think that's an important question and I support that.

Alderman O'Neil stated in the last three years the garage does not include debt service which I believe is around \$50,000 or \$60,000 a year, but the cash flow in 2002 was \$290,000 minus debt service; in 2003 it was \$407,000 minus debt service; and in 2004 it's \$478,000 minus debt service...that's with expenses going down each year and Alderman Sysyn is telling me here someplace is the debt service...

Alderman Sysyn interjected that comes out of Finance.

Alderman O'Neil stated approximately \$50,000 it says here is debt service so they've really done a great job of turning that garage around.

Alderman DeVries stated the one thing that is just not clear to me is why are we looking at a February 15<sup>th</sup> date to extend this contract to. What is going to be accomplished between now and February 15<sup>th</sup> if that date was picked...is this an arbitrary number or a date?

Mr. Lolicata replied I guess it's an arbitrary one, I have nothing to do with that but it's been based upon a 6-month extension for the last three, so I guess January...they missed one...that's what they came up with.

Mayor Baines stated because it was a 6-month extension.

Mr. Lolicata stated I think so, yes.

Alderman DeVries stated so you're saying that today they're operating without a contract. There's one thing that...I think this is very much tied to it, it happens to be an item that's tabled on our agenda tonight and that's the rate increases for all of the parking garages and I don't think we should be losing sight of that. The reason that our garages are starting to turn a profit is because we have increased the fees so that we are no longer supporting the public to park in the garages, they are coming to be cost-neutral. We're not charging an arm and a leg but we're not asking the taxpayers throughout the City to supplement that. I think between now and February 15<sup>th</sup> Alderman Guinta had asked to have some studies done to see if this last step needed to be completed. Do we need to increase from \$65.00 to \$70.00...we're still waiting and I think it's been about a month, we're waiting to hear that answer so we can address that item. Somehow, we probably should go ahead extend to February 15<sup>th</sup> but then conclusively have both of these items wrapped up so that we can make a decision which way we want to go for a longer term and at what rate.

Alderman Smith stated to get back to the situation, I sit on Accounts and we're always looking at the parking situation (revenues) it's one of the gems in the City as far as providing services for our public and it's a win/win situation. I really think that we should move on and vote this through and proceed and we can take the other one off the table if the Committee feels there is such a need.

Alderman Porter stated part of this package is in here...there is a request for proposals...has this gone out, the RFP?

Mayor Baines asked which RFP are you talking about?

Alderman Porter stated it says here Request for Proposals for Appraisers on the garages and then it cites the facility to be appraised, the Center of NH Garage.

Mayor Baines stated that's the previous item.

Alderman Gatsas asked, Tom, how many spaces are there?

Mr. Lolicata replied I believe there's about 834.

Alderman Gatsas asked what's your capacity right now?

Mr. Lolicata stated you mean how many are being used right now. I'd say close to about 90%. You have about 85-90% permits and the rest are daily so it's close to capacity.

Alderman Gatsas asked how many non-pays do you have there? Do you have employees parking there?

Mr. Lolicata replied City employees, there are some, yes.

Alderman Gatsas asked how many?

Mr. Lolicata replied all told I couldn't give you an exact number really, but I could get it for you.

Alderman Guinta asked what happens if we don't vote on this extension of February 15<sup>th</sup>? Essentially, nothing, they still operate the garage.

Alderman Sysyn stated right.

Alderman Guinta stated technically whether we vote this up or down or table it nothing changes.

Mayor Baines called upon Solicitor Clark. I'm going to call for a vote after this by the way.

City Solicitor Clark stated technically you wouldn't have a contract with them but you'd be carrying over under the same terms as your other one and paying them.

Alderman Guinta stated which is what we're doing at the moment because we don't have a contract in place.

City Solicitor Clark stated they'd still be managing it under your direction unless you decide to take a different direction, if you decide to go out to bid for another company.

Alderman Guinta stated actually voting on this doesn't change one thing. The real question is do we want to go out for bid or not and what information does this Board need to make that determination.

Mayor Baines stated that belongs appropriately in the committee to come forward with a recommendation on that.

Alderman O'Neil stated, Mr. Clark, one of the reasons we want to have a contract is that there is some liability here, am I correct?

City Solicitor Clark replied correct, it's always more proper to have a contract. They're required to carry insurance if they have a contract and right now without a contract we're 100% on the hook if anything happens.

Mayor Baines recommends we have a contract and called for a vote on the motion to accept the report of the Committee on Traffic. The motion carried with Alderman Gatsas, Guinta and Forest duly recorded in opposition.

8. Communication from Mayor Baines requesting that the second meeting in January be held on the 25<sup>th</sup> rather than the 18<sup>th</sup> due to a scheduling conflict.

Alderman Roy moved to approved the Mayor's request. Alderman Smith duly seconded the motion. There being none opposed, the motion carried.

9. Communication from Fire Chief Kane seeking authorization to use an RFP for the replacement of Truck 3.

Alderman Osborne moved to authorize use of an RFP for the replacement of Truck 3. Alderman DeVries duly seconded the motion.

Alderman O'Neil stated I didn't have a chance to talk to the Chief, I understand that this is not an unusual practice. In discussions with the Airport Director and the Public Works Director for specialized equipment but I would like to ask the Chief why this is the first time we'd be doing this with the Fire Department, why it's necessary to go this route. And, Joe, I apologize I didn't call you ahead of time on this.

Chief Kane replied we did go through our normal process, the bid process but because of the limited amount of people that were bidding on it and the confusion in the bids that came back we're in discussion with the City Solicitor who advised us to throw the bids out and go with this other process so that we would have more leeway and flexibility in choosing the correct piece.

Alderman O'Neil stated we have a fixed whatever that is and I don't know the number...I want to say \$900,000, you're not asking for anymore money.

Chief Kane stated we have enough money, we anticipate we'd be within that ball range.

Alderman O'Neil stated to the best of your knowledge this would be for this particular piece of equipment that would not become the normal practice.

Chief Kane replied that is correct.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

- 10.** Communication from Frank Thomas, Public Works Director, requesting authorization to accept State funds and execute any related documents for the Household Hazardous Waste Collection Project to be held on Saturday, May 14, 2005.

On motion of Alderman Shea, duly seconded by Alderman Osborne, it was voted to accept State funds, remand for the purpose intended, and authorize the Public Works Director to execute any related documents as may be required.

Alderman Shea stated while we're talking about the Highway Department I do want to comment that I know that the yard waste contract was up immediately after Thanksgiving and Frank Thomas and the Highway Commission went around the neighborhoods and picked up different yard waste in different wards and they're to be commended because of the warmer climate, warmer weather a lot of people either did some raking and had their bags and so forth, they did a tremendous job, a wonderful job and they're to be commended for that and I want to thank Frank personally.

Mayor Baines stated as always they do an excellent job.

Alderman Shea stated thank you very much and thank the guys that go around too because I was one of them at one time as you know, Frank.

Mayor Baines stated and also a great job with the storm. This was a very difficult storm, I think as Frank will admit and they did a great job handling this surprising emergence of winter, the first day of winter.

## **TABLED ITEMS**

11. Report of the Committee on Community Improvement recommending that pursuant to RSA 232:22A Hillcrest Avenue be reclassified from a Class VI to a Class IV highway contingent upon a design plan of improvements acceptable to the Highway Department submitted by a licensed NH engineer, and a bond for the cost of construction presented in the design plan that is acceptable to the Highway Department being received by the Highway Department. Such reclassification to become effective upon certification by the Public Works Director to the City Clerk that such items have been received and are acceptable to the Highway Department. *(Tabled 11/16/2004 at the request of Alderman Garrity.)*

On motion of Alderman Garrity, duly seconded by Alderman Forest, it was voted to remove Item 11 from the table for discussion.

Alderman Garrity moved to receive and file Item 11. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

12. Report of the Committee on Traffic/Public Safety recommending that Ordinance:  
“Amending Section 70.57(A) Parking Rates of the Code of Ordinances of the City of Manchester by increasing the monthly parking garage rates.”  
providing for increase of parking garage rates from \$65.00 monthly to \$70.00 monthly, as enclosed herein, be adopted with an effective date of January 1, 2005. *(Tabled 11/16/2004 at the request of Alderman Guinta.)*

Alderman Lopez asked for an update from Alderman Guinta.

Alderman Guinta replied I’m still waiting, I called Concord and Portsmouth today.

Alderman Lopez asked are we going to have the same results though?



Mayor Baines asked is there some way that some of the staff could assist with this? The City Clerk's Office will try to get information for the next Board meeting.

Alderman O'Neil stated and if possible it might take a little bit of work by the City Clerk's Office but maybe they could just research...I know Sally did a quick research to try and find out why we went into this plan a number of years ago, but I think there's some pretty good information on where we were at the time and why we needed to get up in this \$70 or \$75 dollar range, so if the Clerk's Office could do some research on that that might be helpful to the Board as well.

### **13. NEW BUSINESS**

Alderman O'Neil stated it's kind of appropriate that we're honoring Georgie Reagan tonight and the Convention and Visitor's Bureau as well, but if I may the Russian American Kids Circus will be coming to The Palace Theatre on January 2<sup>nd</sup> for two shows at 3:00 and 6:00 PM and The Palace Theatre is partnering with the Manchester St. Patrick's Day Parade Committee on put on the Russian American Kids Circus. So, we hope that people will get out and support that and while I have the floor on that the parade is March 20<sup>th</sup> and your predecessor at Manchester West High School Charlie Quinn was named Grand Marshall for the 2005 Parade.

Mayor Baines stated if anyone knows Charlie Quinn and a lot of us do here in this room he's one of the great people in Manchester...West High School is Charlie Quinn, he was a student there, a teacher there, a department head, an Assistant Principal, Principal and he was a fighter pilot during World War II. He's an incredible human being, one of the truly great men of the City, so I was very pleased to see him honored. It was a great decision.

Alderman O'Neil stated thank you, your Honor.

Alderman Thibault stated I would like to bring to the Board's attention a potential hazardous situation on Amory Street. In front of the fire station there was a fire the other day and when the engines came out of the station onto Amory Street very near had a collision...there's no light over there...other areas in the City have lights going on when the fire engines are going to come out of their house. Amory Street is a very, very heavily traveled street and this car almost got hit...the two girls in that car were the daughters of a fireman for the City for 25 years. I got called on it and I just think that it's something that should be looked at by the Traffic Committee.

Mayor Baines stated could we refer that matter to the Committee on Traffic/Public Safety and a chance for the Chief to address it directly with the Committee.

Alderman Porter stated I wasn't quick enough and as Georgie Reagan said behind every woman there's a man and behind every man like Charlie Quinn there's a woman, his wife was invited to be a guest of the French Government, the President of France...she was in the initial wave on the beach at Normandy on June 6, 1944 and she's a terrific woman.

Mayor Baines stated may I add something there too. Interestingly, Betty has heard me say this story, so excuse me Betty if you're listening...but when I was named Principal in 1980 obviously I called my mother and she said Betty Quinn, Charlie's wife delivered me...so, that's when you know when you're in a big small town.

Alderman Shea stated I do want to apologize to the Board at the last meeting I did without following protocol establish a Special Committee on Economic Development. So, as mentioned at our last meeting I would like the Board to establish a Special Committee on Economic Development and so moved. Alderman Osborne duly seconded the motion.

Alderman Roy stated a question, I guess for Alderman Shea is the special committee. What would it do, how involved...I've heard bits and pieces but I haven't heard what the intent is.

Alderman Shea stated once the committee is established then we would tend to use...actually, what the purpose of the committee is really to follow the economic development of the City and have matters that are referred by Board members to us so that we could examine them and also either make decisions in conjunction with an

economic development person if that were established or if there were a division in the Planning Department we would work along with that. That would be the intent. I have asked Mr. Gatsas to Chair the Committee and maybe he would like to add a few comments as well.

Mayor Baines stated may I ask you a question as well. Why wouldn't we just let the CIP Committee handle any matters related to any concerns about economic development activities in Committee.

Alderman Shea stated I think there's a little bit of a difference between what the CIP Committee handles and I leave it to the Board and if members of the Board feel that we should have a separate committee.

Alderman O'Neil stated what I hear consistently from people is that we have too much involvement and we need to streamline our process and I just think that this is going to slow down an already slow process. I think we need to fine tune it to speed it up, to make the City more attractable to businesses and I just see this slowing it down, so I'm going to encourage my colleagues to vote against it.

Alderman DeVries stated I would also ask for some clarification because I know that you have put in place a special committee that reviews all building plans and such in order to streamline the process...that looks from the Fire Department, Police, Building as well as the Planning Department and I'm just wondering now if all of those committees be reporting to this Special Economic Development Committee to...it sounds like another layer of bureaucracy that we're putting in place...I just don't quite understand what we're trying to accomplish here.

Mayor Baines stated to clarify what she's talking about here...we have the Manchester Economic Development Action Team that I instituted in my first year as Mayor when

there were major projects coming into the City. All of the professional staff that's going to touch any part of that project convenes with the people, the downtown project...Bill is there, economic development people and we flush out all of the issues to expedite the process.

Alderman Shea stated so often members of this Board have said we don't know what's going on. Many times people have said this comes before the Board, we have no idea what's going on. All this particular committee is suppose to do is to help each member of this Board when they make a decision to be able to make a valid and a just decision, that's all it is. It's not an extra bureaucracy, it's not infringing upon anyone's prerogative, it's so that members of this Board when they make a decision aren't hit at the 23<sup>rd</sup> hour with a decision that has to be rendered at the 24<sup>th</sup> hour, that's all it is. It's not trying to step on anybody's toes, it's not trying to take any kind of responsibility away from anyone, but so many times people have talked in that room over there and have said wow we don't know what's going on, how come we don't know what's going on. Then we get here before the public and all of a sudden when we want a committee people are saying well, I don't think we should support such a committee because it's adding so much bureaucracy. Well, to me, that's hypocrisy because people speak one way in there and one way here, your Honor.

Mayor Baines asked what room are you talking about?

Alderman Shea stated that's what I've heard, that's why we're establishing this committee. I'm not citing anyone in particular.

Mayor Baines asked what room are you talking about?

Alderman Shea replied what room, you know exactly what room.

Mayor Baines interjected I'm just joking.

Alderman Shea stated so often people have brought up that subject so when somebody tries to establish a committee all of a sudden it's where are we going with this committee.

Mayor Baines stated the only thing is that I think we have a good standing committee structure and I wonder why we need to...when that could be appropriately referred to the CIP Committee.

Alderman Thibault stated that bothers me because right now it's almost three years since Jay Taylor has left here, the City doesn't have an Economic Development Director and this is where the confusion comes in, your Honor. When Jay Taylor was there he used to come in here and many times apprise us as to where things were. Right now, we have no one doing that. I really believe that this is something that this Board should attack right now and vote on it and get an Economic Director on board before we go and get back into the situations that we were 20 years ago, 15 years ago.

Alderman Porter stated that's another issue and before we go out and add another layer of bureaucracy to the City in terms of a brand new Economic Developer from the outside...the Board giveth, the Board can taketh away. If this committee...if the goals and objectives of this committee once performed aren't met the Board always has the prerogative to disband it and I think that it is important. Right now the most important department in the world is the Economic Development...we've got the Chamber of Commerce weighing in, we've got MDC weighing in, we've got other people weighing in, that's their prerogatives. We could establish a committee to have our staff answer. We have had many opportunities to vote on issues that we really don't know much about and instead of speeding it up that slows it down. I believe it would be a faster process with them answering to a committee, it would keep them a little more aware that they have to do reporting on Hackett Hill, for example, I approached Jane Hills and asked for

a report on what the broker was doing, none existed. After two years of listing the property we had not to my knowledge or at least Jane Hills didn't provide it to me and I'm sure she didn't have it any kind of report on what was happening up there. I believe this committee is not going to be micromanaging but simply have them report on what's going on to the committee and I believe it would speed things up, not slow it down.

Alderman O'Neil stated I, personally, think we can accomplish that and I think we've talked about it at the Board by asking and insisting for better communication from City staff; that is what this is, a communication issue from City staff. I don't think we need to set up another committee to accomplish that, so again I am going to vote against this and encourage my colleagues to do the same.

Mayor Baines called for a vote on the motion to establish a Special Committee on Economic Development Issues.

Alderman Forest, Roy, Sysyn, O'Neil, DeVries and Thibault voted nay.

Alderman Gatsas, Guinta, Osborne, Porter, Lopez, Shea, Garrity and Smith voted yea.

Mayor Baines vetoed the action.

Alderman Porter moved to override the Mayor's veto. Alderman Shea duly seconded the motion.

Alderman O'Neil stated a yes vote would be to override.

Mayor Baines stated a yes vote would be to override, a no vote would be to support the veto.

Alderman Porter stated a question, your Honor. Originally with the veto there's a message of why would you prefer not to.

Mayor Baines stated I believe we have the committee structure in place, I agree with a lot of the comments that have been made. I think that the appropriate place for that is through the CIP Committee that is why. We have a good standing committee structure, we should support that committee structure.

Alderman Forest stated in order to support the veto is a yes.

Mayor Baines stated you vote no.

Alderman O'Neil, DeVries, Thibault, Forest, Roy and Sysyn voted nay. Alderman Lopez, Shea, Garrity, Smith, Gatsas, Guinta, Osborne and Porter voted yea. The motion failed.

Clerk Thibault stated it would take ten votes to override a veto.

Alderman Roy stated a lot has been made regarding communication and the Economic Development Department or MEDO. We've got a great office downstairs, at our last meeting we had some of our most respected City planners and the private side come in and speak to us...when we talk about communication and I flip through the department head book in our beautiful Red Book we've got the Assessors, Building, Fire, Airport, Police, Highway, EPD, Traffic...sitting at our hands...we've got the Destination Manchester Coordinator, the Mayor's Office, Human Resources, Finance, Planning, Solicitor and Clerk sitting here and if we're going to take economic development seriously in the City we've got to put someone in Jay Taylor's shoes and gain that communication. If I have a solid waste question I can look back there and ask Frank Thomas, our professional, to come up and speak to any highway issue that we can put in front of him. We should do the same with economic development, which is the only City department that can increase our tax base.



Alderman DeVries stated certainly I concur very much with Alderman Roy. There is a very time sensitive item that we sent at our last meeting to committee and that stalled the process that we were halfway through reviewing a list of candidates for an open position in this City. We've already stalled that process by two weeks and we likely have lost many very worthy candidates. It appears that we are not able, in a time sensitive manner, to allow the other proposal that has been placed on the table to be looked at in the committee process and to also go forward with the hiring process or the review of candidates that needs to happen. We probably have three to four weeks before us that we can continue the hiring, decide as a committee what it is we're looking for in the candidates, make a short list. If within that three to four week period individuals at the joint committee are able to answer the question that they are looking for as to how they want that position to be placed then we can start the process, but I think tonight it is very, very important that we jumpstart that process again, that we allow the HR Director to continue forming her committee, short listing the candidates and continue that process and I would like to make a motion at this time that we bring under new business the question of reinitiating our Economic Development Director hiring process and direct our HR Director to continue that process starting tomorrow.

Mayor Baines stated let me just ask a question of our City Solicitor. Since that has been referred to committee how would the Board handle that at a meeting of the Board?

City Solicitor Clark replied ultimately this Board retains the authority to do whatever it wants to do whatever, the Board's power remains in itself.

Mayor Baines stated so that motion would be...

City Solicitor Clark stated the motion can be accepted.

Mayor Baines accepted the motion by Alderman DeVries to reinitiate the Economic Development Director hiring process and direct the HR Director to continue that process starting tomorrow. Alderman Thibault duly seconded the motion.

Alderman Guinta stated the only thing I would say is what I said at the last meeting and I really don't think it should have gone into committee in the first place. I respect the committee process just as everybody else does but I think it's been two years without an Economic Development Director, I personally believe that we need one. We're one of the few cities of this size in the country that doesn't have one and it's clear to me that we need one to drive the economic future of our City. I disagreed two weeks ago with the decision to move into committee and I'd prefer to move forward with hiring.

Alderman Garrity stated I would have to disagree with my colleague to my left (Alderman DeVries)...this is in committee. When are we going to start paying attention to the committee process...you just vetoed something because of the committee process. Let's have a committee meeting then bring it forward to this Board. The meeting was canceled for some reason, I don't know...weather or whatever...but let's at least have the meeting in committee before we move this along.

Alderman Guinta stated I do very much respect the committee process but after two years of not having an Economic Development Director...I think it's clear to everyone on this Board based on the discussion we had two weeks ago that everyone seems to agree in one format or another that we need somebody driving economic development. I think we have maybe not agreed on the title and name of this individual, but we all essentially agree on the description of the position. So, after two years of thinking about it, I just don't think we need to be in committee to discuss it.

Alderman Garrity stated it's only been in committee two weeks, it went to a joint committee two weeks ago, let's leave it there.

Alderman DeVries interjected, your Honor, I'd like to clarify because my motion wasn't taking it out of the committee process, I was saying both can go forward at the same time...it can be looked at at the committee and report back to the Aldermen but we can also go forward with the hiring process.

Mayor Baines asked what's your motion then, Alderman DeVries?

Alderman DeVries replied my motion was to go forward with the hiring process to develop a short list with the interview process, develop the committee, short list the candidates and to report back so that simultaneously (hopefully) that will speed the committee process up and within the next three weeks we ought to be able to have both items answered.

Mayor Baines stated as you know I was the one that stopped the interview process of what was happening at the Board level because I didn't want to get everybody engaged in that and then at the end of the day have the Board go in an opposite direction. Well, if the Board votes and the majority...that's an indication to me that some people are willing to move forward with this position and so I'll need to see that in a vote before I can put people through that process.

Alderman Shea stated I'm kind of struck with the fact, your Honor, and I want to go back to this special committee, if I may, because I've been on the Aldermanic Board for several years and I have never once, never once known that we had to vote at this level to have a special committee, so what I want, your Honor, is a clarification by the City Clerk and any references in the past that we have voted on special committees. Now, I'm not saying that we haven't done that before but I looked through the Red Book and I never found anyway. So, I'd like the City Solicitor to quote where in the...he doesn't have to do it now...

Mayor Baines stated we've got to deal with order to business first and then we can come back to that.

Alderman Shea stated sometime we slip through different things and I want to make sure...

Mayor Baines reiterated let me deal with this vote and we'll come back to that issue.

Alderman Shea asked can I make a request that the City Solicitor look and give me notification in the City Charter of where he found the reference that the Chairman of the Board could not appoint a subcommittee and where that has been occurring at all different subcommittee nominations when the Chairman of the Board has asked, if that would be possible and I'd like all the members of the Board to be notified.

Alderman Lopez stated, your Honor, it's sort of like putting the cart before the horse instead of this going before both nine Aldermen which is the joint committee and really solve this particular problem. Unfortunately, because of the weather the meeting was canceled because of safety and everything else but with all due respect I held a meeting in reference to economic development on January 27, 2003 and when I felt we were looking at a Coordinator and ended up with an Economic Development person...but I can assure you that during that process that you appreciated the opportunity to appear before that committee and with an opportunity of doing things more effectively and efficiently and changing direction we go for the City...I'd be the first to thank the Manchester Development Corporation, Manchester Housing, Intown, the Chamber of Commerce and numerous others in this community that pull together as a team to try to make it the best community. But, I do not believe, after the process and the educational process that I received in the last six to nine months that I believe that that's the direction to go in. I believe when you attended the meeting we needed some "work-a-bees" I think that the

terminology that you used and I agree with you 100%. We do need “work-a-bees”, we do not need to pay somebody a higher salary and somebody made the statement and I’ll go back as to why Alderman Shea wanted to appoint a committee to a degree...we don’t have anybody. Well, we’ve got a Deputy Director of Economic Development, we have the Destination Manchester Coordinator, we have Planning...we have all kinds of staff and you know, your Honor, it makes no difference who they are. If somebody wants to come to this City they’re going to call you because you’re the Mayor or whoever is sitting in that office and you have a complete staff to go to. But, you need people out there doing retention and marketing...I agree with the Manchester Chamber of Commerce and the Development Corporation, but I don’t think that you’re going to find an individual...I don’t know what somebody thinks this person is going to be is the czar of economic development coming to Manchester and not dealing with the people and the structure that is already in place. We’re the policy makers in this City...we haven’t been given the equal opportunity with information to come before us and make logical decisions. The only thing that we get is the twisting arm votes...that this is the best and when you go to an Alderman and he says this is the best and you asked them...explain it to me maybe I’ll change my mind and you have that alderman say to you...well, it’s the best thing for the City, but cannot explain it there’s something wrong and I won’t mention any names they know who they are. But, during that process we had with the joint committee meeting even Jane Hills said...and when that committee that you appointed which was Jay Taylor, Leon LaFreniere and Bob MacKenzie...they turned around and you said give me your best solution and they gave us the best solution and that was to put an Economic Division into Planning. To get “work-a-bees” out there working for the City of Manchester other than another czar and I think on many occasions I’ve heard Aldermen around here saying when that department head leaves we’ll be able to lower the grade, it just seems to never happen, it continues and continues and continues and then we say...let’s take Traffic and let’s put them in the Highway Department, let’s take Parks and put them in the Highway Department. I don’t see the Manchester Development Corporation and all the high powered people fighting to keep

those, those are the weak people in the City. For some reason, I do not believe and I'm talking from experience, talking about working with the Riverfront...we haven't had Jay Taylor and we've been able to do something with French Hall, we've been able to move the Master Plan for two years that was sitting in committee...two years...we moved the Master Plan and now Manchester Housing Development is going to be working that Master Plan. But, we do have expertise within the City.

Mayor Baines stated just to correct a couple of things for the record. Jay Taylor participated in a committee, at my request, but did recommend filling his position. He said if you're not going to fill my position this is what I recommend doing, so that's what actually happened.

Alderman Lopez stated just a correction, your Honor, he didn't report that to the Committee.

Mayor Baines stated I talked to him recently and I'd have to go back on that.

Alderman Porter stated I just wanted to mention that I think we have all and I think, your Honor, you have taken this Board to task for not having the will to shrink government either through consolidation or otherwise. The best economic principle that I've seen to shrink government is through attrition. We did have an Economic Development Director, Jay Taylor and his name has been mentioned many times and Jay is retired and I think this is an opportunity to utilize the staff that we have. There are a number of items on here...I'm not going to read all 6,000 but I would like to just mention a couple that I think for the duties could be the duties of a Mayor...and no criticism, your Honor...coordinates the work of various departments, you are the leader of the community but you are also the leader of the departments as the CEO. There are a number of items in here referring to the financial expertise, planning...

Mayor Baines asked what are you reading from, Paul?

Alderman Porter replied I'm reading from the specs, your Honor. Perhaps we don't need the Finance Director and/or his Deputy, maybe we don't need the Planning Director. We could probably hire four or five of these people for the salaries that they're getting...I'm not recommending that...I just want to bring out a point. We have the expertise on staff, we need somebody to pull it together. I don't believe a Master's Degree necessarily makes you a guru in personnel and drawing people together to be able to accomplish something. We have the expertise of MDC, the Chamber of Commerce...I won't even say a quasi city function, it is a separate issue dealing with businesses. When we do get a major issue it has been delegated to either MDC or MHRA. If we were to do this and hire somebody at this level are we expecting that this person would take those jobs over, I don't think so. To me we are simply adding on another layer of high priced employee, with the benefits, it's more than likely that you're going to start in the middle of the range of around \$90,000 plus benefits. We are not putting anybody out-of-work we are simply assigning more duties to the people we have. We have an Assistant to the Director and she has been there many years. We have Bill Jabjiniak who's the Destination Manchester Coordinator...in my opinion, we shouldn't necessarily have two functions like that it should be coordinated into one department, I agree with that. I agree we need a director, I don't agree that we have to go out and hire the ultra Rolls Royce to do the job of a pick-up truck and I think that the City of Manchester would be better served to tap the talent from within and give it an opportunity to work. This, in my opinion, was one of the reasons to form a committee which obviously got shot down, but I do think that a number of these items here or the requirements should be done by either you, your Honor, with all due respect and with other staff presently employed by the City.

Mayor Baines stated when you left your position as an Assessor we went out and filled it with a qualified Assessor, we didn't come up with reorganization there, but we found it necessary...the Board deliberated and found out that they had to bring in somebody at a

respectable pay range to fill the gap when you left your position. So, we're not totally consistent with our...

Alderman Porter stated, your Honor, I would like to respond to that and you're absolutely right...the only place you were in error was that two people were hired to replace me as you may recall.

Mayor Baines stated I was going to say that as well.

Alderman Porter stated that was not by accident, but what I would like to say is the Charter requires a 3-person Board of Assessors, there is a difference.

Mayor Baines stated that could be changed too.

Alderman O'Neil stated one of the greatest differences I see in relationships between the Board of Mayor and Aldermen and City staff now than when I started serving in 1986 is back in those days and I had the pleasure of serving with Alderman Thibault back then there was a lot more faith in City staff and today, for some reason, I don't care what the subject is people question and beat to death City staff. You have to have some faith in them. We have some very, very qualified and talented people in our government across the Board and we have to have faith in the job they're doing and I think sometimes I question whether that really happens here. I look at...since John Hoben has left some other staff and there was Steve Lubelczyk and then John Snow after and I think John Snow was the last true City Coordinator. But, Bob MacKenzie has picked up some of that role, Kevin Clougherty has certainly picked up some of that role and Jay Taylor in his job picked up some of that role. I know I've heard comments and have read minutes of meetings regarding economic development issues...you have Bob MacKenzie sitting at the table, Kevin Clougherty...Tom Clark has become an economic development expert...all supporting Jane Hills and Bill Jabjiniak. I look that we have three options



before us. We can go with that model that was originally put out where economic development becomes a Division of Planning...my biggest concern with that is you have a sales agency under one roof with a regulatory agency and I think there's going to be conflicts with that, that's my personal opinion. You could put it under the Mayor's Office. I've served with four different Mayors and I don't know a Mayor yet that has not wanted to have strong economic development in this City. If there's a will by the Board to give the Mayor that power, I don't know or you can create an Economic Development Department or fill the Economic Development Director who still reports to the Mayor of this City. So, I don't think we're that far off but I think we've got to get going folks. We have a lot going on now but as every crane is putting the roof on we need to have a shovel starting another project and I'm not sure that's going on right at this moment, we have a lot of roofs going on, a lot of buildings getting ready to be occupied and start paying taxes but I'm not sure we have a lot out on the play right now. It's got to be a continuing cycle.

Alderman Roy stated when I look at the decision in front of us this isn't who we're hiring, who the Mayor's nominated, what the person's job description is going to be, can our other department heads that are busy running their departments do the job, can we split it up and who they should report to, it's who is out there. We've gone through the process of putting it in the budget that was the Aldermanic first step. We asked our Human Resources Director to go advertise to find out who we can bring to Manchester to do this job professionally. The Mayor has put together a team of people represented by his office, the Aldermanic Board and the private sector of this City to look through those applications, to look at the qualifications and narrow down a short list so that we know who is out there. Until we know the facts we cannot make educated decisions whether it's out-of-house, in-house, not filled, reporting to Planning, reporting to the Mayor...this decision tonight is not about who's going to run the department or if we're ever going to have a department. This is can we cull the list down to a small group of people that are

qualified to do the job and educate us as to who is out there and that is the only decision in front of us this evening.

Mayor Baines requested the Clerk to read the motion.

Clerk Thibault stated the motion is to allow the HR Director to proceed with hiring an Economic Development Director and at the same time keep the issue before the joint committees of Human Resources/Insurance and Administration/Information Systems.

Mayor Baines interjected the interview process.

Alderman Gatsas, Osborne, Porter, Lopez, Shea, Garrity and Smith voted nay.

Alderman Guinta, Sysyn, O'Neil, DeVries, Thibault, Forest and Roy voted yea.

The motion carried with Mayor Baines voting yea.

Alderman Guinta stated as everybody knows there was a Zoning Board hearing with respect to the halfway house and it occurred to me with all of the attorneys present at that hearing that the City of Manchester was not represented by an attorney and I thought that because the issue was tabled for thirty (30) days due to a technical legal question that needed to be clarified. The decision will be, I believe, dealt with on January 6<sup>th</sup> or 7<sup>th</sup> somewhere in there. It occurred to me that in case...because there are 11 Board members who oppose the halfway house, it occurred to me that we probably want to preserve our rights for appeal should we not win that case and I'm not sure how we go about that but I'd like to put the question to the Board.

Mayor Baines asked, Mr. Clark, would you advise the Board on how we should proceed in this matter?

City Solicitor Clark stated as I understand it the Zoning Board will be meeting January 6<sup>th</sup>. My office has been requested to attend to give legal advice to the Board of Adjustment as to what is allowed and what is not allowed. Depending on when they make their decision there is then a either 20 or 30-day period to request a rehearing. The Zoning Board will then make a determination as to whether or not to grant a rehearing and after that determination you have 30 days to appeal to court. This Board legally does have standing to request a rehearing and to appeal any decision of the Zoning Board to the Superior Court for a hearing. As my office will be giving advice to the Board of Adjustment it would not be proper for our office to represent the Board of Mayor and Aldermen in the event you wish to draft a motion for rehearing or to draft a petition of appeal to Superior Court in which case this Board should retain outside counsel to do that.

Mayor Baines stated so we will wait until after the meeting and we'll sit down and strategize what direction to go.

Alderman Guinta stated no that's not what I heard. I have two follow-ups. Number one, why is the City Solicitor representing the Zoning Board and not this Board and, secondly, as I understood it if we do want to preserve our right we do need to have counsel.

Mayor Baines requested the City Solicitor to address both issues.

City Solicitor Clark replied first as far as representing the Zoning Board of Adjustment when a case is taken against an action of the Zoning Board of Adjustment it is technically against the City of Manchester, they are an agency of the City of Manchester and as such is entitled to our representation. The Zoning Board meets once or twice a month, at least once-a-month on hearings...there are several cases that are appealed to Superior Court every month in which we defend the Zoning Board of Adjustment and albeit as the City of Manchester. It is a normal practice. Very seldom does this full Board get involved in

a Zoning hearing and when it does and I can recall it happening once maybe 30 years ago when this Board actually decided to appeal and again it was recommended to get outside counsel to do so.

Alderman Guinta stated if the Zoning Board, if that decision is contrary to the will of this Board then quite honestly the Zoning Board in front of Superior Court wouldn't be representing the interests of the City of Manchester, it would be contrary to the votes taken at this Board level.

City Solicitor Clark stated it would be contrary to your interests, it would not necessarily be contrary to the interests of the City of Manchester because they do represent the City of Manchester.

Alderman Guinta interjected excuse me 11 members of this Board opposed a halfway house in the City. I would argue that if the Zoning Board allows that use that's contrary to what this Board would like.

City Solicitor Clark stated it may very well be contrary to the wishes of this Board, however, the Zoning Board of Adjustment has statutory legal powers. They have to follow the law and do their duty.

Alderman Guinta stated you also said that we have standing, this Board has standing.

City Solicitor Clark stated you have standing to appeal, it doesn't mean you'll be right or wrong, you have standing to appeal which is...

Alderman Guinta stated which is why I am saying we should consider having counsel and because the Solicitor's Office is going to be representing the Zoning Board as opposed to representing us then we should consider at least having some counsel represent our

interests at the next Zoning Board meeting. You were saying let's wait until after the meeting.

Mayor Baines stated that's what I want to clarify.

City Solicitor Clark stated it's appropriate if this Board wishes to have outside counsel there to retain someone prior to next week.

Mayor Baines stated we would have to obtain legal counsel to be at that meeting.

Alderman O'Neil stated my understanding has always been that there are two Boards that have their own power and it's created by State Statutes...one is the Zoning Board of Adjustment and the other is the Planning Board. We can't be giving them any orders or any direction on what to do...they are independent bodies under State law.

Mayor Baines stated I remind the Zoning Board members about this and the City Solicitor does that neither can any individual Board member talk to or try to lobby members of the Zoning Board, that's prohibited by law and secondly they cannot receive any of that. They must simply say I cannot discuss this with you, it's pending before us. They have almost the status of a jury, am I correct, Mr. Clark?

City Solicitor Clark replied they have a quasi judicial board...by law they are required to receive all information either through their own knowledge or at public hearings.

Alderman Shea stated obviously I'm tagging along with Alderman Guinta because there's another group that wants to put something over at 335 Somerville Street. A few months ago, a few weeks ago weren't we asked to make a decision by either the Planning Board or the Zoning Board concerning something that they referred to us. I'm not quite sure what that was, Tom. Do you remember what that was?

City Solicitor Clark replied I believe that was the building permit on a paper street or a non-accepted street. So, that is specifically set forth in the statutes, by law.

Alderman Shea asked could they refer such a matter to the Aldermanic Board for a decision, no.

City Solicitor replied no.

Alderman Guinta moved that counsel be retained or present at the next meeting of the Zoning Board of Adjustment so the Aldermanic Board's interests are recorded for the record. Alderman Gatsas duly seconded the motion.

Mayor Baines asked what would be the process to do that if the Board votes that this evening?

City Solicitor Clark replied what they should do is authorize someone to retain counsel, probably your office. I can provide you with a list of names of appropriate attorneys, if you'd like.

Mayor Baines asked could that be referred to the Mayor and the Chairman of the Board.

City Solicitor Clark stated you would also want to clarify where the funding is coming from.

Alderman Lopez asked are we as the Board of Mayor and Aldermen entitled to the question to be answered to us in reference to the Zoning Board? I believe that you're going to make a decision as to whether or not they can make a decision or send it to the Planning Board in reference to the congregate housing situation.

City Solicitor Clark replied we will be meeting with them and giving them legal advice, yes.

Alderman Lopez asked would we be entitled to that decision before the Zoning Board if we asked you the same question.

City Solicitor Clark replied no.

Alderman Guinta stated that's why we need outside counsel.

Alderman Lopez stated so from our own counsel we could have our own opinion.

City Solicitor Clark stated I don't think it's inappropriate for you to have counsel in this situation.

Alderman Roy stated a question for the Solicitor...Tom, if this Board was to put together a zoning ordinance and bring it forward what is the process...I know our process, but what does that do to what they can enact at the Zoning Board level, does that table anything in front of them or delay anything in front of them?

City Solicitor Clark stated no they've already been...the application's already in.

Alderman Roy stated so any new applications would be affected by any zoning ordinance we put forward but any current application is in before the deadline and could not be affected.

City Solicitor Clark replied correct. Once you move to amend the zoning ordinance and once you've posted the public hearing and had the ordinance drafted then anything after that period has to follow the new rules until you take action on the amendment.

Alderman Porter stated just a question, if you may, to Alderman Guinta. Why would we need a lawyer to do this?

Alderman Guinta replied the concern I have is and again it depends on what the outcome in January is going to be by the Zoning Board. I suspect that no matter what their decision is there's going to be an appeal either on behalf of one of the RFP responders or probably Neighborhood Housing Services that has retained counsel but I don't know if they're going to continue to incur that cost. So, my position is that the City should have some sort of representation should there need to be an appeal at the Superior or Supreme Court level.

Mayor Baines asked are we being premature in that. If the City Solicitor is going to advise them on the law they have to make a decision on the law and once he advises them on the law and they make a decision at that point in time...let's say if they make a decision to approve it then you could come back to the Board and we could hire an attorney at that point in time. I just don't understand why we'd be hiring an attorney now when the City Solicitor will be advising them on the law.

Alderman Guinta replied because I don't want to wait. I think it's imperative, right now, to have our position represented.

Mayor Baines stated our position is we're opposed to it...he's advising them on the law.



Alderman Lopez stated it's a good point. Tom, even if we have an attorney but if the Zoning Board under your guidance makes a decision in favor we will still have the opportunity to appeal that decision.

City Solicitor Clark stated yes you would.

Alderman Lopez stated even if we hire an attorney now to go before the Zoning Board and he went there and said (I don't know what) but he disagrees and the Zoning Board says we're taking advice from counsel and we're going to be in favor of it or you don't have the jurisdiction let's ship it over to Planning then I think that we could handle it.

Mayor Baines stated I would recommend that you wait until after the decision is made.

Alderman Guinta stated that's your decision/opinion, but I respectfully disagree. I think the issue is going to come down to the interpretation of congregate housing and that interpretation is going to impact Ward 3 in that particular location and it's then going to impact Alderman Shea's location and any location in the City. This is a very important decision that the Zoning Board has to make and we'd be foolish not to have representation advocating on our behalf and again the issue comes down to congregate housing; that is what the Zoning board raised as an objection because they couldn't determine what that interpretation was. The City Solicitor is now going to...as a matter of law...provide them information as to what congregate housing is. Well, if it's contrary to what the 11 people on this Board want we should have representation arguing our position. To me it's very clear...

Mayor Baines stated doesn't it come down...they have to decide on five points, right.

Alderman Guinta interjected you've got to follow the case, your Honor. It's supposed to be the five issues but the Zoning Board decided to look at congregate housing...that could supercede the five points which is essentially...

Mayor Baines stated he is going to advise them on that issue.

Alderman Guinta stated exactly and we don't know what he's going to advise, he can't tell us. So, we should have an attorney.

Mayor Baines stated in all due respect the City Solicitor has been around these issues for a long time...

Alderman Guinta interjected but, your Honor, you don't understand the issue...how can you say you're giving an opinion and you don't have the complete understanding of this issue with all due respect.

Mayor Baines stated well, I do understand the issue.

Alderman DeVries stated the one piece that I don't think Alderman Guinta has spoken to would be that the potential decision that is going to be made by the Zoning Board would be in conflict with the decision that was rendered by our own Building Commissioner who's interpretation they do not appear to agree with. I think I tend to agree with Alderman Guinta that somebody should be there defending...making our case in front of the Zoning Board, if possible at the next meeting. I don't know how tonight we can define how much that would cost and where the money would come from but if our Building Commissioner has indicated and he's here tonight if he wishes to address it but he's indicated his decision, his interpretation of congregate housing was A and B and they are questioning that decision and now saying let's see that it's C...we should have somebody defending the City, defending the Building Commissioner...working with him

to advise or to represent why congregate housing is interpreted as it always has historically in the City be a certain direction and not the way they are trying to take us today...ZBA is trying to take it into a new direction that will open up a lot of different opportunities for different facilities in congregate housing. It's a very important decision, I agree and I think it has ramifications above and beyond even the potential halfway house that is being looked at.

Alderman Shea stated you have so often heard me speak of unintended consequences. If in fact congregate housing is allowed then it can be allowed not only in Ward 3 and Ward 7 we're talking big time congregate housing in 12 wards. But, the point of the matter is that we are an immigration center and we could be, as it were, a federal housing center for every Tom, Dick and Harry decides...I don't know how many halfway houses...people renting them are but as many as they could get into the City here I'm assuming they're going to try and do it because obviously if they can find a loophole and there's a lot of guys out there and women that need to be housed...it's going to be...so, this is what we're talking about.

Alderman Garrity moved the question.

Mayor Baines stated the question is for the City to hire legal counsel to be present at the next meeting and to advocate the Board's position, is that what you're saying.

City Solicitor Clark stated I believe Alderman Guinta's motion was to retain legal counsel to appear at the January 6<sup>th</sup> meeting of the Zoning Board of Adjustment. I'm not specifically clear as to whether or not they close their public hearing or table the matter prior to closing it. It may have an effect on whether or not they'll allow an attorney to speak.

Alderman Roy stated a question for the City Solicitor, your Honor. Tom, as this Board sits in front of you, as your Building Inspector sits in front of you and as the Zoning Board sat a week or two ago is it a matter of law, a matter of rule...why can you not answer the question to this Board, is it a congregate or a correctional facility? What is preventing you from giving us that information.

City Solicitor Clark replied ethical considerations. The Board of Adjustment who is an agency of the City of Manchester is one of my clients has asked me for legal advice. They have a privilege and I can't be providing legal advice to other members without their waiver.

Alderman Osborne stated I think it all boils down to if we get legal counsel and they go to the ZBA meeting and it's already been to a public hearing then this council cannot speak anyway so I don't know what good they'd do up there in the first place.

Alderman O'Neil stated I find it interesting that we were asked a long time ago to be proactive on this subject and try and find a good fit in this City and this Board chose not to. So, now we're being reactive to a decision that was made. Certainly all over the years and all elected people have supported when you're able to get various criminals on federal charges, I don't know how many people have been charged under federal laws in this City but there's been a lot and I'm really wondering if the cost of this attorney is going to be at the expense of the Police Department who's already stretched in their budget, the Fire Department is already stretched in their budgets, we only implemented the return of those ladder trucks for 16 weeks...Public Works...snow removal. We lucked out with a minor storm yesterday but I still think it cost Frank a considerable amount of money to treat the roads. Where is this money going to come out of, the air...it's going to come out of Police, Fire and Highway...we set up a contingency to address these issues and that's where this is going to come from. Alderman Guinta...I

didn't catch the whole thing, he was a spokesman for Ward 3 and I think he can do a fine job at it.

Alderman Gatsas stated I think this Board passed some ordinances for the Building Department that is pretty specific. Now, as far as I know the people that are being released to a work environment are still under correctional supervision. Their time as a prisoner hasn't expired, they're still in effect, it's a correctional institution by every stretch of the imagination. There is no other thing other than a correctional institution and for people to come here from Boston to tell us in Manchester this is what we need, that's wrong. I think it's been very obvious of where we're going, reactive or proactive, I think the Board spoke. It wasn't under the veto clause, it was with 11 members speaking saying we didn't want this in our City. Now, I've gotten numerous calls from constituents from all over the City. But, I think we need a position and it's been clear and I'm a little disappointed that we have elected officials at the federal level that are allowing these funds to come forward. We didn't even listen that they're non-profit so the building's going to be off the tax rolls but I don't hear anybody complaining about that. So, I think it's a very clear ordinance. There are no people staying in this housing that aren't still in prison. They're released to a halfway house, their term hasn't expired, it's a very simple issue. So, congregate living isn't about somebody living there for 90 days. Congregate living is about somebody moving in and being their residence. I don't think that anyone of these prisoners are going to move in and go to the polls to vote because the question that's asked of them...are you domiciled there...and the answer is no. So, I think it's very clear in the ordinance what it says.

Mayor Baines stated I concur.

Alderman Guinta requested that the question be moved, request a roll call and if I need to amend the motion to include an "up to" figure I'd be happy to include it.

Mayor Baines stated just to clarify a couple of things. Since the attorney is probably not going to be allowed to speak, is that what you said.

City Solicitor Clark replied what I said was I wasn't aware if he would or not.

Alderman Guinta stated it's tabled.

Mayor Baines called the roll.

Alderman Guinta asked would I have to amend the motion to include a dollar amount?

Mayor Baines replied you can either do it here or if it passes you could have a separate motion. Why don't we just find out if they want to retain legal counsel and then we can deal with the specifics of it afterwards.

Aldermen Guinta, Sysyn, Osborne, Porter, Shea, DeVries, Garrity, Roy and Gatsas voted yea. Aldermen O'Neil, Lopez, Smith, Thibault, Forest voted nay. The motion carried.

Alderman Guinta stated Alderman Gatsas just said something and maybe somebody it'll take it pro bono, so maybe they will.

Alderman Gatsas stated there might be an attorney in Ward 3 that feels strongly about it.

City Solicitor Clark stated I just want to advise that whatever action the Board takes today they really should authorize the attorney to work with one person whether that be your office, whether it be with you and the Chairman but it's going to be very unworkable for an attorney to have 14 people calling him about what their positions are in a situation. Probably not even fair for the attorney. There should be one clearinghouse for him, for her to work through.

Alderman Guinta asked are you comfortable with it being Alderman Shea and your office.

Mayor Baines replied yes in consultation with the Chairman of the Board.

Alderman Guinta moved on the Solicitor's suggestion to include up to \$5,000.00 from contingency. Alderman Roy duly seconded the motion.

Alderman Smith stated as you all know there was a lot of concern over in my ward and we went through the process and we educated the people, we had businessmen there, we had the Chief of Police there, we had Selectmen from Goffstown there and we presented our case and it moved somewhere else and it's over in your ward now. But, what I'm saying is that you should wait for the decision on the Zoning Board before we proceed. I don't want a halfway house anyplace and I think that spending money without any cause he might sit there and be a deaf ear in the whole hearing, he won't be able to participate in the decision.

Alderman Lopez stated the only reason we're hiring this person is for the particular question, is that all. We don't expect this guy to go out and pile up everybody and their brother and do all kinds of research and everything else. We want an interpretation of the question, is that correct?

City Solicitor Clark replied as I understand it you want this attorney to meet with the Mayor and the Chairman and to advise the Zoning Board, if he's able to, of the position of the Board of Mayor and Aldermen on the question of congregate housing and make statements of law and ordinances.

Mayor Baines stated it would be appropriate of you to give us some recommendations for attorneys. Alderman Shea and I could sit down, agree on and discuss the issue and then decide how to proceed, that is what I would do.

Alderman Porter stated I don't think this is just necessarily a ward issue would it not be appropriate to have Alderman Guinta accompany Alderman Shea with you, if he would like.

Mayor Baines stated we'll talk to Frank as to whether it's necessary or not.

Alderman Porter asked would he be welcomed.

Mayor Baines replied yes.

Mayor Baines called for a vote on the motion to include up to \$5,000.00 from contingency. The motion carried with Alderman Forest duly recorded in opposition.

Alderman Gatsas stated I guess I have two things...do we have any employees that are being stipend?

Ms. Lamberton replied not to my knowledge. You mean getting a stipend in addition to their salary.

Alderman Gatsas stated correct.

Ms. Lamberton replied not on the City side.



Alderman Gatsas stated I had to ask the question because, your Honor, I was watching the School Board meeting...

Mayor Baines interjected I was living it.

Alderman Gatsas stated I saw you living it and I'm sure you knew this might come up at this meeting. Well, I'm bringing it up because all I heard was a bare bone budget and I don't know if we can make it and we're going to have a real tough time getting through this and we've seen 17% increases, a person getting stipend and correct me if I'm wrong...\$150.00 a day is that what I heard?

Mayor Baines replied a week.

Alderman Gatsas stated my concerns are is that we're hearing that, the taxpayers are hearing that...

Mayor Baines stated we're dealing with that on the School side.

Alderman Gatsas stated you're dealing with it on the School side but I guess that's not really a real tight budget that we can't live within our means with, but anyway that will come up again in a very short time because...

Mayor Baines interjected, Alderman, with all due respect on the City side the department heads too manage their budgets and we have opportunities with insurance savings, winters that aren't as bad, other obligations that aren't as bad and departments on this side turning money back to us that when we start the process is very, very tough. So, everybody is trying to work on it.

Alderman Gatsas stated I understand that, your Honor, but I think it's very disheartening to the taxpayers to see that. So, let me ask a couple of other questions because I've asked these requests now...two of them have been sitting here for the last nine months and one you may be interested in or you may not be interested in...this Board took a vote about the Mayor's salary some eight or nine months ago and I don't know where that's at, I think maybe it's still in the City Solicitor's Office, I don't know what it's doing in there because it was a pretty simple issue.

City Solicitor Clark interjected it's not in the City Solicitor's Office and Alderman Gatsas was so advised that it was delivered to the Clerk about a month ago.

Alderman Lopez interjected its pending in Bills on Second Reading. Attorney Arnold gave us the write classification.

Alderman Gatsas stated the next question is the Procurement Code.

Mayor Baines asked what is the status of that.

City Solicitor Clark replied it's in committee.

Mayor Baines asked in which committee?

City Solicitor Baines replied in Administration, I believe.

Alderman Gatsas stated I believe the Finance Officer still has it.

Mayor Baines stated it's still in Administration...they've already had a meeting on it.

Alderman Forest stated it's in Administration.

Alderman Gatsas asked does he has the corrected Procurement Code that he was going to bring forward, is that in there?

Mayor Baines stated let the record be straight that that has already been to committee, they had an initial presentation and discussion...

Alderman Gatsas interjected and it's been a month since we had that meeting, your Honor, and the Finance Director has a copy that he's correcting. We haven't seen that, I don't think.

Mayor Baines stated it will be ready for the next meeting, he working with the Chairman on that.

Alderman Gatsas stated thank you. The City Solicitor told me that he was contacted by legal counsel on the Canal Street Parking Garage. I asked for the contracts and any forgiveness agreements that were in that garage and I still haven't seen them from the Finance Department. When can I expect those?

Mr. Clougherty replied we don't always have all the contracts. I'll be happy to look for them and pull them together for you.

Alderman Gatsas stated I think you told me that the last time I asked for them, Kevin. When can I expect them.

Mr. Clougherty replied I don't remember you're asking for them but I'll get them for you next week. I'll talk to Tom.

Mayor Baines stated I was going to wish everybody Merry Christmas and Happy New Year (bah, humbug).

Alderman Gatsas stated, your Honor, if you want to debate it let's debate it. I've been waiting for these things...one for four years...yours we've been waiting for since April, I don't know why.

Alderman Shea stated a couple of issues have come up and you said to wait until the end of the meeting but obviously I try to get my points in...but, basically, Tom you are going to prepare where in the Charter that the Chairman of the Board cannot appoint subcommittees. Also, that the Mayor can veto a subcommittee decision...indigenous to them that the Mayor can veto that, I am assuming he can but I'm just questioning that and I'd like documentation concerning, for instance, if I recall when Alderman O'Neil established a trash committee or something, I'm not sure if that required the members of the Board to vote on that. Again, I want to make sure that we follow precedence, your Honor, because I kind of felt that this time we kind of went a little bit in a different direction. Maybe I'm wrong but I never recall having made a full Board vote on a subcommittee, I never recall that. But, I'm sure that there is precedence.

City Solicitor Clark stated, Alderman, I'd be happy to send you a letter detailing it, however, under the Charter this Board acts as a body in all matters and not individually. The Charter authorizes the Mayor to nominate and name members of standing committees, this Board has determined what those standing committees are. The board has a rule of special committees...it is a committee of the Board, there is no authorization for any individual alderman to establish a committee, it acts as a body. Special committees only have those powers and only...I will send you a letter with that.

Alderman Shea stated you can send it to everyone.

City Solicitor Clark stated I will send it to all.

Mayor Baines stated could I end now by saying something very positive. First of all, I personally have had a great year. I celebrated my 30<sup>th</sup> wedding anniversary, I gave birth to my...I didn't but my daughter did...sometimes I feel I did...my daughter gave birth to our first grandchild and I'm sure you had a lot of blessings this past year that we have to be thankful for. I think also that you as a Board, we as a Board have a lot to be proud of in the City. We've accomplished some great things working together, we don't always agree and I remind you that we don't have to be disagreeable. The City is moving forward, I think, at an unprecedented way along with lines of economic development, improving our schools, creating opportunities, creating jobs, very low unemployment, highest credit rating in the City...these are things that are accomplished together not by any one individual but a group working together in the best interests of the City.

Sometimes we have ideas of getting places in different ways but I think we've come together to create great opportunities for the great City...I wish you and your families all the blessings of the Holiday Season. I wish you a joyous and prosperous New Year and I ask you to spend as much time with your family thinking about what happened today in Iraq...my heart has been broken as I am sure yours has and people across America and to know that we have a lot to be thankful for. God has blessed us in so many ways and it's an honor and privilege to serve with you on behalf of the citizens of our great City.

Merry Christmas, Happy New Year and to all of the people in the community I ask you to experience the great joy of the Holiday Season.

There being no further business to come before the Board, on motion of Alderman Smith, duly seconded by Alderman Osborne, it was voted to adjourn.

A True Record. Attest.

City Clerk